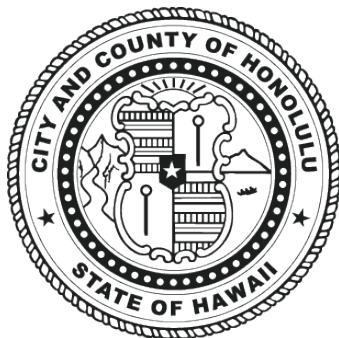


CITY AND COUNTY OF HONOLULU



Charter Amendments

**2022 GENERAL ELECTION
TUESDAY • NOVEMBER 8**

PROPOSED BY THE CITY COUNCIL

**PROPOSED CITY CHARTER AMENDMENT
CITY AND COUNTY OF HONOLULU
FOR THE 2022 GENERAL ELECTION**

The following questions to amend the Charter of the City and County of Honolulu are being submitted to the people of the City and County of Honolulu to be voted upon at the General Election on Tuesday, November 8, 2022:

QUESTION NO. 1

“Shall the Revised City Charter be amended to increase the mandatory percentage of the City’s estimated real property tax revenues to be appropriated annually for deposit into the Affordable Housing Fund from one-half of one percent to one percent?”

☐ YES

☐ NO

Adoption of this proposal will increase the mandatory percentage of the City’s estimated real property tax revenues to be appropriated annually for deposit into the Affordable Housing Fund from one-half of one percent to one percent.

The text of RESOLUTION NO. 21-192 is reproduced as follows:

RESOLUTION NO. 21-192

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE AFFORDABLE HOUSING FUND.

WHEREAS, in the 2006 general election, the voters of the City and County of Honolulu (“City”) approved an amendment to the Revised Charter of the City and County of Honolulu 1973, as amended, to use a portion of the City’s annual property tax revenues to create funds for land conservation and affordable housing; and

WHEREAS, Section 9-204 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (“Charter”), establishes the Clean Water and Natural Lands Fund and the Affordable Housing Fund; and

WHEREAS, Charter Section 9-204 provides that, in adopting each fiscal year’s budget and capital program, the City Council (“Council”) shall appropriate one percent of the City’s estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund; and

WHEREAS, moneys appropriated and deposited into the Affordable Housing Fund may only be used to provide affordable rental housing for persons earning 60 percent or less of the median household income in the City, provided that the funded housing remains affordable for at least 60 years; and

WHEREAS, the Council believes that increasing the mandatory percentage of real property tax revenues to be deposited into the Affordable Housing Fund will increase funding for the provision and expansion of desperately needed affordable housing projects and suitable living environments for persons of low and moderate incomes, and thus is in the best interest of the City and its residents; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

That the following question be placed on the 2022 general election ballot:

1. “Shall the Revised City Charter be amended to increase the mandatory percentage of the City’s estimated real property tax revenues to be

appropriated annually for deposit into the Affordable Housing Fund from one-half of one percent to one percent?”

2. That Section 9-204 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

“Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund –

1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate one and one-half percent of the estimated real property tax revenues[;] as follows: one-half of [which] one percent shall be deposited into the Clean Water and Natural Lands Fund and the remaining [~~one-half of which~~] one percent shall be deposited into the Affordable Housing Fund.
2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas, and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.
3. Moneys in the Affordable Housing Fund shall be used to provide affordable rental housing for persons earning sixty percent or less of the median household income in the city for the following purposes: provision and expansion of affordable rental housing and suitable living environments in projects, which may include mixed-use, mixed-income projects, having residential units that are principally for persons of low and moderate income through land acquisition for, development of, construction of, and/or capital improvements or rehabilitation to such housing, provided that the funded housing remains affordable for at least sixty years.
4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption, or refunding of such bonds.
5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.
6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.
7. The department of budget and fiscal services shall receive proposals for the use of funds in the Clean Water and Natural Lands Fund and shall submit qualified proposals to an advisory commission, which shall make recommendations to the council for approval. All proposals for uses of the Clean Water and Natural Lands Fund shall be processed consistent with this procedure.
8. There shall be established a Clean Water and Natural Lands advisory commission to consider proposals submitted to it by the department of budget and fiscal services and to submit recommendations to the council for approval of expenditures under this section. The commission shall consist of seven members, with three appointed by the mayor, three appointed by the council, and one appointed by a majority vote of the six appointed members. The members shall

serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 2017, and shall be as follows:

- (a) For an initial two-year term, two members, one each appointed by the mayor and the council.
- ~~[(e)]~~(b) For an initial three-year term, two members, one each appointed by the mayor and the council.
- ~~[(d)]~~(c) For an initial four-year term, two members, one each appointed by the mayor and the council.
- ~~[(e)]~~(d) For a five-year term, the member appointed by the majority vote of the other six appointed members.

9. The director of the department of budget and fiscal services shall administer the fund.

10. The council shall by ordinance establish other procedures for the administration and expenditure of moneys in each fund consistent with this section. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.”

3. That in Section 2, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

4. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:

- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
- b. Shall, except as otherwise expressly provided in this resolution or in any other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

5. That upon adoption of this resolution by the Council, the City Clerk be and is hereby directed:

- a. To prepare the necessary ballots with the question contained in this resolution and with spaces for “yes” and “no” votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
- b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.

6. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in Section 2 shall take effect on January 1, 2023 and shall apply to the executive operating budget and program and executive capital budget and program for the fiscal year commencing on July 1, 2023, and every fiscal year thereafter.

QUESTION NO. 2

“Shall the Revised City Charter be amended to require that the Planning Commission have at least one member with substantial experience or expertise in one of the following categories of disciplines, that each of the categories be represented by a different member, and that all of the categories be represented on the commission:

- a. Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;
- b. Land use planning, policies, and principles;
- c. Land development and construction; and
- d. Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation.”

☐

YES

☐

NO

Adoption of this proposal will require that the Planning Commission have at least one member with substantial experience or expertise in one of the following categories of disciplines, that each of the categories be represented by a different member, and that all of the categories be represented by the commission: a) Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage; b) Land use planning, policies, and principles; c) Land development and constructions; and d) Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation.

The text of RESOLUTION NO. 21-156, CD1, is reproduced as follows:

RESOLUTION NO. 21-156, CD1

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE PLANNING COMMISSION.

WHEREAS, Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (“Charter”), establishes a nine-member Planning Commission (“Commission”) of the City and County of Honolulu (“City”); and

WHEREAS, the Commission members are appointed by the Mayor and confirmed by the Council to staggered five-year terms pursuant to Charter Section 13-103; and

WHEREAS, Charter Section 6-1506 sets forth the powers, duties, and functions of the Commission; and

WHEREAS, the Charter currently establishes no qualifications for Planning Commission members other than the general requirement of Charter Section 13-103.1(a) that members must be duly registered voters of the City; and

WHEREAS, the proposals that are reviewed by the Planning Commission often involve issues in the areas of land use planning, development, and preservation, and the Council believes that having Commission members with certain levels of knowledge and expertise in these areas would be of great benefit to the Commission in its deliberations; and

WHEREAS, the Council therefore believes that amendments should be made to Charter Section 6-1505 to set forth additional qualifications for at least some Planning Commission members, so that these members would have substantial experience or expertise in varying areas of the land use planning and development process; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot: “Shall the Revised City Charter be amended to require that the Planning Commission have at least one member with substantial experience or

expertise in one of the following categories of disciplines, that each of the categories be represented by a different member, and that all of the categories be represented on the commission:

- a. Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;
 - b. Land use planning, policies, and principles;
 - c. Land development and construction; and
 - d. Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation.”
2. That Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

“Section 6-1505. Planning Commission –

There shall be a planning commission [~~which~~] that shall consist of nine members. The commission shall be governed by the provisions of Section 13-103 of this charter. The department of planning and permitting shall provide staff support to assist the commission in carrying out its duties. At least one member of the commission must have substantial experience or expertise in one of the following categories of disciplines, each of the categories must be represented by a different member, and all of the categories must be represented on the commission:

- (a) Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;
- (b) Land use planning, policies, and principles;
- (c) Land development and construction; and
- (d) Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation.”

3. That Article XVI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended by adding a new section to be appropriately designated by the Revisor of the Charter and to read as follows:

“Section 16- . Planning Commission Transition Provisions –

1. The 2022 amendments made to Section 6-1505 shall not affect the term of any member of the planning commission who is serving on the effective date of the amendments. Unless vacating the office sooner, each such member shall continue in service on the commission until the expiration of the member’s term.
 2. If any commission appointee vacates the office, the vacancy shall be filled in accordance with Section 6-1505. The initial appointees following the effective date of the amendments shall fall within at least one of the categories specified in that section until there is a member representing each of the categories.”
4. That in Section 2 and Section 3, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
5. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:
- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and

- b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

- 6. That upon adoption of this resolution by the Council, the City Clerk is directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for “yes” and “no” votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.
- 7. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution take effect on January 1, 2023.

QUESTION NO. 3

“Shall the Revised City Charter be amended to expand the permitted use of funds in the Clean Water and Natural Lands Fund to include funding for costs related to the operation, maintenance, and management of lands acquired by way of this Fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use?”

☐ YES
☐ NO

Adoption of this proposal will expand the permitted use of funds in the Clean Water and Natural Lands Fund to include funding for costs related to the operation, maintenance, and management of lands acquired by way of this Fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use.

The text of RESOLUTION NO. 22-79, CD2, is reproduced as follows:

RESOLUTION NO. 22-79, CD2

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO CITY FUNDS.

WHEREAS, the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (“Charter”), Article IX, Chapter 2, Section 9-204, establishes the Clean Water and Natural Lands Fund (“CWNL Fund”); and

WHEREAS, Charter Section 9-204.1 provides that for each fiscal year’s budget and capital program, the City Council (“Council”) shall appropriate one-half of one percent of the estimated real property tax revenues for the CWNL Fund; and

WHEREAS, the CWNL Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the City for the purposes enumerated in Charter Section 9-204.2; and

WHEREAS, the Charter was amended in 2016 to establish the Clean Water and Natural Lands Advisory Commission (“Commission”) to consider

proposals submitted to it by the Department of Budget and Fiscal Services and to submit recommendations to the Council for approval of expenditures from the CWNL Fund; and

WHEREAS, the Commission desires to expand the use of the CWNL Fund to include costs related to the operation, maintenance, and management of lands acquired by way of the CWNL Fund, that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use; and

WHEREAS, the Commission further desires to align the CWNL Fund and its use with State and federal practice, as such alignment would strengthen the City's ability to rely on the well-developed body of codified law, administrative guidance and regulations, and case law, particularly at the federal level, to guide conservation transactions; and

WHEREAS, the Council supports the Commission's objectives to expand the use of the CWNL Fund, and to align CWNL Fund transactions with State and federal practice; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised Charter be amended to expand the permitted uses of funds in the Clean Water and Natural Lands Fund to include funding for costs related to the operation, maintenance, and management of lands acquired by way of this Fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use?"

2. That Section 9-204 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Clean Water and Natural Lands Fund and Affordable Housing Fund"), be further amended by amending subsection 2 to read as follows:

"2. Moneys in the Clean Water and Natural Lands Fund shall be used [tø]:

(a) To purchase or otherwise acquire real estate or any qualified interest therein for land conservation in the city for the following purposes: protection of significant watershed lands to preserve water quality and water supply; preservation of significant forests, beaches, coastal areas, and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land to significantly reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space[-] to yield a significant public benefit. A qualified interest means a perpetual conservation restriction by a qualified organization which has a commitment to protect the conservation purposes and the resources to enforce the restrictions; or

(b) For costs related to the operation, maintenance, and management of lands acquired by way of this fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use of these lands; provided that the costs related to operation, maintenance, and management of lands acquired by way of this fund do not exceed five percent of the moneys deposited into the fund in the previous year."

3. That in Section 2 of this resolution, Charter material to be repealed is bracketed and stricken and new material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the bracketed and stricken material, or the underscoring.

4. That if these Charter provisions are amended by any other Charter amendment approved by the electors at the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:
- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved. The Revisor of the Charter may also change the capitalization or the forms of numbers and monetary sums for the sake of uniformity.
5. That upon adoption of this resolution by the Council, the City Clerk is directed:
- a. To prepare the necessary ballots with the question contained in this resolution and with spaces of “yes” and “no” votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.
6. That upon approval of the Charter amendment question posed in this resolution by a majority of the voters voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2023.

QUESTION NO. 4

“Shall the Revised City Charter be amended to update the provisions pertaining to the Office of Council Services (“OCS”), the research and drafting arm of the Council, to reflect its current functions; consolidate various provisions relating to the OCS in a separate Chapter of the Revised Charter like its fellow Legislative Branch agencies, the Office of the City Clerk and Office of the City Auditor; provide for the appointment, salary, and duties of the OCS director; and expressly recognize the authority of the licensed attorneys in the OCS to provide legal advice to the City Council and its members?”

☐ YES
☐ NO

Adoption of this proposal will update the provisions pertaining to the Office of Council Services (“OCS”), the research and drafting arm of the Council to reflect its current functions; consolidate various provisions relating to the OCS in a separate Chapter of the Revised Charter like its fellow Legislative Branch agencies, the Office of the City Clerk and Office of the City Auditor; provide for the appointment, salary, and duties of the OCS director; and expressly recognize the authority of the licensed attorneys in the OCS to provide legal advice to the City Council and its members.

The text for RESOLUTION NO. 22-99, FD1 is reproduced as follows:

RESOLUTION NO. 22-99, FD1

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE OFFICE OF COUNCIL SERVICES.

WHEREAS, in the 1972 general election, the voters approved the Revised Charter of the City and County of Honolulu 1973 (“Charter”) submitted by the 1971-72 Charter Commission (“Commission”), which included a provision (subsequently codified as Charter Section 3-107.7) authorizing the City Council (“Council”) to establish an Office of Council Services (“OCS”) to assist the Council in the exercise of its legislative powers; and

WHEREAS, in its final report, the Commission cited the Council's authorization to create the OCS as one of the most important changes the Commission was proposing with respect to the legislative branch of City government; and

WHEREAS, in this regard, the OCS was viewed by the Commission as "a necessary adjunct to and . . . supportive of the policy-formulation or legislative role of the city council," and "a tool for decision making -- to assist [the council] in analyzing the city's policies and financial programs for their effectiveness and adequacy and in identifying alternative programs and policies [to address the problems facing the city]"; and

WHEREAS, on March 19, 1973, shortly after the 1973 Charter took effect, the Council implemented its new authority by enacting Ordinance 4116, creating the OCS; and

WHEREAS, under the ordinance, the OCS is charged with providing comprehensive research and reference services for the Council, conducting research for the enactment or consideration of legislation, and advising the Council and its committees; and

WHEREAS, in the 1978 general election, the voters expanded the Charter-established functions of the OCS by authorizing attorneys in the office "to represent [the council] in court litigation where the dispute is with the Executive Branch and where the Corporation Counsel may represent the Mayor or officers of the Executive Branch"; and

WHEREAS, in 1993, the Council enacted Ordinance 93-26, designating the OCS as the Revisor of Ordinances, a role in which the office prepares, with the assistance of a publisher, the codification of ordinances of continuing effect in the Revised Ordinances of Honolulu, as amended; and

WHEREAS, since 1973 the OCS has provided valuable policy advice and legislative drafting services to the Council and Councilmembers; and

WHEREAS, since shortly after the OCS's inception, it has employed Hawai'i State licensed attorneys to assist the Council and Councilmembers in carrying out their legislative duties by providing legal advice and drafting legislation in such a manner as to conform to federal and Hawai'i State law and to the Charter; and

WHEREAS, although the Corporation Counsel is the chief legal adviser and legal representative of the Council pursuant to Charter Section 5-203, the Corporation Counsel is not the Council's exclusive legal adviser, and the Council and its members have, in the past, requested the advice of the OCS's attorneys for a "second opinion" in the relatively rare instances in which they might question the legal analysis in legal advice provided by the Corporation Counsel; and

WHEREAS, the Office of the City Clerk and the Office of the City Auditor, the two other legislative branch agencies, are recognized by separate chapters in Article III ("Legislative Branch") of the Charter, but the OCS is not, even though the Office of the City Auditor was established in 2002 and the OCS was established in 1973; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised City Charter be amended to update the provisions pertaining to the Office of Council Services ("OCS"), the research and drafting arm of the Council, to reflect its current functions; consolidate various provisions relating to the OCS in a separate Chapter of the Revised Charter like its fellow Legislative Branch agencies, the Office of the City Clerk and Office of the City Auditor; provide for the appointment, salary, and duties of the OCS director; and expressly recognize the authority of the licensed attorneys in the OCS to provide legal advice to the City Council and its members?"

2. That Section 3-107, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

“Section 3-107. Organization of Council; Officers; Rules; Meetings; Employees –

1. The council shall meet in the council room at the city hall for its organization at twelve o'clock meridian on the second day of January of every odd-numbered year or on the next business day if the second day be a Sunday or a holiday. At the meeting, the council shall elect one of its councilmembers as chair and presiding officer of the council. It shall also elect one of its councilmembers as vice-chair who shall act as the presiding officer in the event of the chair's absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chair and the vice-chair. All councilmembers shall have the right to vote in the council at all times. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action.
2. The council shall adopt rules governing its officers and employees, the organization of committees and the transaction of business.
3. The council shall keep a journal of its proceedings in which the ayes and noes shall be entered as required by this charter or at any other time upon the demand of any member.
4. The council may suspend, without pay for not more than one month, any member for disorderly or contemptuous behavior in its presence, upon an affirmative vote of at least two-thirds of its entire membership. The presiding officer or the council may, by a majority vote, expel any other person who is guilty of disorderly, contemptuous or improper conduct at any meeting.
5. The council may authorize the employment of special counsel to represent it, upon the affirmative vote of at least two-thirds of its entire membership. Any such authorization shall specify the compensation, if any, to be paid such special counsel, and the council shall make an appropriation therefor.
6. The presiding officer of any committee of the council or a majority of the committee may expel any person who is guilty of disorderly, contemptuous or improper conduct at any committee meeting.

~~[7. The council may establish an office of council services and create such positions therein as it deems necessary to assist it in the exercise of its legislative power. The council shall fix the salaries of such positions by ordinance. Funds appropriated for such salaries shall be allotted by, and the persons holding such positions shall be appointed by and serve under the direction of, the presiding officer of the council. Staff shall be appointed in a manner consonant with the merit principles set forth in Section 6-1102 of this charter, but shall not otherwise be subject to the provisions of Chapter 11 of Article VI of this charter, pursuant to Section 6-1104 of this charter.~~

~~The council may authorize attorneys within the office of council services to represent it in court litigation where the dispute is with the Executive Branch and where the corporation counsel may represent the Mayor or officers of the Executive Branch. In the event that attorneys within the office of council services should be authorized to represent the city council, those staff attorneys shall be deemed to have the status of “special counsel.”~~

- 8-] 7. The council shall hold regular meetings and shall meet at least once each month. All meetings of the council shall be open to the public, and every vote taken by the council shall be by open ballot. Any councilmember who has a direct personal financial interest in any matter on which a vote is taken may abstain from voting after declaring the conflict of interest. The council shall adopt rules governing abstention from voting. With the exception of consultations with the corporation counsel on claims where premature public disclosure of information would adversely affect the city's interest and consultation with its own counsel or staff, all council committee meetings shall be open to the public.

8. The council may adjourn to any meeting place, provided notice of the time and place of the meeting is published at least three days prior to such meeting in a daily newspaper of general circulation in the city, and notice is also given to all councilmembers at least three days prior to the meeting.
9. The council shall, prior to making its decisions on confirmations, hold public hearings on the appointees of the mayor."
3. That Article III of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to add a new Chapter 6 to read as follows:

**"CHAPTER 6.
OFFICE OF COUNCIL SERVICES**

Section 3-601. Office Established --

There shall be an office of council services consisting of a director, deputy or assistant director, and necessary staff.

Section 3-602. Purposes --

The purposes of the office of council services shall be:

1. To conduct research, including legal research, as may be necessary for the formulation, consideration, adoption, and enactment of legislation;
2. To serve as professional staff to the council and its committees to assist them in compliance with all procedural requirements applicable to the legislative process established by law or council rule;
3. To draft legislative measures requested by the council, council committees, and councilmembers;
4. To provide advice, including legal advice, to the council, council committees, and councilmembers on all legislative matters brought before them, including proposals for legislation submitted by councilmembers, the executive branch, other legislative branch agencies, or the public;
5. To serve as special counsel to the council consistent with Section 3-605;
6. To serve as the revisor of ordinances, preparing, at least twice annually, an ordinance supplement:
 - (a) The printed version of which shall be provided to all councilmembers and be available for purchase to the public; and
 - (b) The electronic version of which shall be available online, prior to the end of the third month following the end of the calendar year and end of the fiscal year; and
7. To perform such other duties as may be assigned to the office by the council or its presiding officer.

Section 3-603. Director of Council Services; Appointment, Tenure, Removal, Compensation, Vacancy --

1. The council shall appoint and fix the salary of the director of the office of council services. Either the director or the director's deputy or assistant director shall be an attorney licensed to practice law the State of Hawaii and in good standing before the Supreme Court of the State of Hawaii. The director shall serve for a term of six years, and thereafter until a successor is appointed. The council, by a two-thirds vote of its entire membership, may remove or suspend the director from office, but only for cause.
2. If the office of the director becomes vacant, the deputy or assistant director will become the acting director until a successor is duly appointed.

Section 3-604. Authority and Duties of the Director of Council Services --

1. The director shall have the same powers with respect to the staff of the office of council services as department heads of the executive branch have with respect to personnel in their departments, unless otherwise expressly limited by charter or ordinance. The director may appoint the necessary staff for which appropriations have been made by the council. Staff shall be appointed in a manner consistent with the merit principles set forth in Section 6-1102 of this Charter, but shall not, pursuant to Section 6-1104 of this charter, otherwise be subject to the provisions of Article VI, Chapter 11, of this charter.
2. The director may administer oaths and, in the name of the council, subpoena witnesses and compel the production of books, papers, documents, records, and any government record, as that term is defined in HRS Section 92F 3, or any successor statute, in furtherance of the council's investigative power established in Section 3-120.

Section 3-605. Staff Attorneys --

1. The director may appoint to the staff of the office of council services attorneys who shall be licensed to practice law in Hawaii and in good standing before the Supreme Court of the State of Hawaii. Any legal advice provided by the staff attorneys to any councilmember or to the council shall remain confidential to the maximum extent provided by law and the rules of the Supreme Court of the State of Hawaii, unless confidentiality is waived by the councilmember or the council, as applicable.
 2. The council may, by the affirmative vote of two-thirds of its entire membership, appoint staff attorneys in the office to serve as special counsel to represent the council in court litigation where the dispute is with the executive branch and the corporation counsel may represent the executive branch officers or agencies."
4. Article XVI, Revised Charter of Honolulu 1973 (amended 2017 Edition), as amended, is amended by adding a new section to read as follows:

"Section 16- . TransitionProvisionsRelatingtotheOfficeofCouncil Services --

1. The director and all other officers and employees holding positions on December 31, 2022, with the office of council services established under section 3-107.7 of this charter shall be transferred to the office of council services established under section 3-601 of this charter on January 1, 2023. The director and all other officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. The director's appointment will remain subject to Resolution 17-63. Nothing in this subsection, however, shall be construed as preventing future changes in status of the director or other officers or employees pursuant to this charter or law.
2. All lawful obligations and liabilities owed by or to the office of council services established under section 3-107.7 of this charter and existing on December 31, 2022, shall, unless fulfilled or lawfully terminated on December 31, 2022, remain in effect as obligations and liabilities owed by or to the office of council services established under section 3-601 of this charter after December 31, 2022.
3. All records, property, and equipment held on December 31, 2022, by the office of council services established under section 3-107.7 of this charter shall be transferred to and assumed by the office of council services established under section 3-601 of this charter on January 1, 2023.
4. All appropriations in the legislative budget for fiscal year 2023 for the office of council services remaining unexpended and unencumbered as of December 31, 2022, shall be available after January 1, 2023, for expenditure by the office of council services established under section 3-601 of this charter."

5. That in Sections 2 and 4 of this resolution, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing this Charter provision for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
6. That if these Charter provisions are amended by any other Charter amendment(s) approved by the electors in the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:
 - a. May designate or redesignate articles, chapters, sections, or parts of sections and rearrange references thereto; and
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

7. That upon adoption of this resolution the City Clerk is hereby directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for “yes” and “no” votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.
8. That upon approval of the Charter amendment question posed in this resolution by a majority of electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2023.

By: Office of the City Clerk, Elections Division.”

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